

California Regional Water Quality Control Board
North Coast Region

Notice of Public Hearing and Notice of Issuance of a Complaint

Administrative Civil Liability Complaint No. R1-2007-0064
For
Violation of Waste Discharge Requirements and Discharge Prohibitions

In the Matter of the
City of Arcata
Wastewater Treatment Facility
WDID No. 1B82114OHUM

Humboldt County

On July 30, 2007, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0064 (Complaint) to the City of Arcata (Discharger). The Complaint proposes mandatory minimum penalties (MMP) in the amount of \$54,000 for the period of June 22, 2004 to March 31 2007, pursuant to Water Code section 13385, subdivisions (h)(1) and (i), for alleged effluent limitations violations of Waste Discharge Requirements Order No. R1-2004-0036. The Complaint also proposes penalties pursuant to Water Code Section 13385, subdivisions (a) and (c), in the amount of \$50,000 for sanitary sewer overflows, which are violations of Waste Discharge Requirements Order No. R1-2004-0036 and State Water Resources Control Board Order No. 2006-0003-DWQ. These violations occurred during the period of June 22, 2004 through May 31, 2007.

The total proposed penalty is \$104,000. The Discharger may satisfy terms of the Complaint by paying the full amount of the penalty into the State Water Pollution Cleanup and Abatement Account or by paying a portion of the penalty and completing a supplemental environmental project.

Opportunity for Settlement Without a Public Hearing

A thirty-day public comment period has commenced beginning on the date of this notice. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the hearing and agrees to pay the full amount of proposed civil liability. The Executive Officer will consider comments received and either finalize the settlement or take other appropriate action.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the right to a hearing, the Regional Water Board will hold a public hearing on this matter on October 25, 2007 at 9:00 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about October 1, 2007. The hearing is scheduled to be held in the Best Western Weaverville Victorian Inn conference room, 1709 Main Street, Weaverville, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

If the Discharger or interested persons would like the Regional Water Board to consider technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be submitted to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by 5:00 p.m. on September 10, 2007. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by September 10, 2007. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at <http://water100.waterboards.ca.gov/rb1/orders/com/s.asp>. That document as well as the other evidentiary documents and files may be inspected or copied at

the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Bill Rodriguez at (707) 576-2683 or email at wrodriguez@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

July 30, 2007